IN THE HIGH COURT OF UTTARANCHAL
AT NAINITAL
Writ Petition No. 690 of 2005 (S/S)

1. Rakesh Chandra Ramola
S/o Shri Dinesh Chandra Ramola
R/o Mussoorie Road Chamba Post Chamba
Tehri Garhwal

2. Beru lal
S/o Molu Lal
R/o Village Rawat Gaon, Patti Raunag Ramoli
District – Tehri Garhwal

3. Sachidanand Uniyal
S/o Chiranjeev Lal Uniyal,
R/o Badsahahi Thoul,
District – Tehri Garhwal

4. Sunil Singh Bisht
S/o Shukhdev Singh Bisht
R/o Teacher Colony Badsahahi Thoul,
District – Tehri Garhwal … Petitioners

Versus

1. State of Uttaranchal
Through Principal Secretary Education,
Uttaranchal Shasan Dehradn

2. Director Higher Education,
Uttaranchal, Haldwani … Respondents

Sri V.B.S. Negi, learned counsel for the petitioners.
Sri Harendra Belwal, learned Standing Counsel for the respondents.

Hon'ble B.C. Kandpal, J.

By way of this Writ Petition, the petitioners have sought a direction in the nature of certiorari quashing the advertisement issued by the Respondent no. 2, i.e., Director Higher Education, Uttaranchal, Haldwani.

Brief facts giving rise to this writ petition are that the petitioners no. 1 is regularly working as Routine Clerk on consolidated salary since 1997 till date and petitioner nos. 2 to 4 are also working on the same post since 2001 till date in the

Campus Tehri of the Hemwati Nandan Bahuguna University, Sri Nagar. The petitioners were appointed on temporary basis.

In the year 2003, the Government Degree College Chamba was transferred to New Tehri and was upgraded to Post Graduation level and subsequently, the Principal P.G. College New Tehri asked Hemwati Nandan Bahuguna Garhwal University, Srinagar for appointment of Class III and Class IV employees and the Registrar of the University in response to the letter informed the Director Higher Education to attach regular employees of Government P.G. College, New Tehri.

In November, 2004 Uttaranchal Government sanctioned various posts for Govt. P.G. Colleges and 45 posts were sanctioned for Class III and Class IV employees. The petitioners made representation before the Principal Government P.G. College, New Tehri for the regularization against the sanctioned post. The Principal forwarded the representation to the Director and the Joint Director Higher Education. The representation was forwarded to the higher authorities on the ground that regularization of the petitioners being a policy matter hence it would be appropriate if the decision is taken at Government and Directorate level.

The writ petition further reveals that Registrar Hemwati Nandan Bahuguna Garhwal University Srinagar also recommended for regularization of the petitioners against the post of Class III and Class IV employees sanctioned by the Government in Government P.G. Colleges to the Director Higher Education vide letter dated 28.01.2005.

The Petitioners have represented for their regularization against the sanctioned post before the respondents but of no avail, hence, this writ petition.

Heard learned counsel for the petitioners, learned Standing Counsel appearing on behalf of the respondent nos. 1 and 2 and perused the record.

Keeping in view the submission raised by the learned counsel for the petitioners as well as the ground taken in the writ petition, I am of the view that the respondent no. 2 should consider the representation of the petitioners with regard to their regularization in the vacant and substantive post.

I accordingly direct that the respondent no. 2 shall decide the representation of the petitioners within a period of 45 days. Meanwhile, the respondent no. 2 may proceed for selection on the vacant and substantive post but on the post in which the petitioners are working shall be kept vacant till the final disposal of the representation.

With the aforesaid observations, the writ petition is disposed of finally.

(B.C. Kandpal, J.)

7th June, 2005
Shiv